

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL SOURYAVONG, et al.	:	
	:	
Plaintiffs	:	JURY TRIAL DEMANDED
	:	
v.	:	
	:	
LACKAWANNA COUNTY, et al.	:	DOCKET NO: 13-1534
	:	
	:	
Defendants	:	

**DECLARATION OF JONATHAN S. COMITZ, ESQ.
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES AND RELATED EXPENSES**

1. My name is Jonathan S. Comitz, Esq. I submit this declaration in support of Plaintiff's Motion for an Award of attorney's fees and expenses in the above-captioned matter.

2. I graduated with a B.A. from Juniata College, Huntingdon, PA, in 1999 and received my J.D. from Weidner University School of Law, Harrisburg, PA, in 2003.

3. Upon completion of law school, I worked as an associate attorney with the firm Holland, Brady & Grabowski, P.C. from 2003 to 2008. In 2008 I formed the law firm Comitz Law Firm, LLC and have been the managing member ever since. I presently employ two (2) associate attorneys, in addition to a support staff of five (5).

4. I presently have a very busy state litigation practice representing clients throughout Northeastern Pennsylvania.

5. I also have an active federal litigation practice representing clients primarily in the Middle District of Pennsylvania.

6. I am admitted to practice in all state courts in Pennsylvania, the United States Bankruptcy Court for the Middle District of Pennsylvania, the United States District Court for the Middle District of Pennsylvania, and the United States Court of Appeals for the Third Circuit.

7. I have also been admitted *pro hac vice* in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division, and the state of Ohio and Florida.

**THE NORTHEASTERN PENNSYLVANIA RATE MARKET FOR LEGAL
SERVICES ON A CONTINGENT FEE BASIS**

8. In the market for legal services in litigation cases, most plaintiffs seek to be represented on a contingent fee basis. Lawyers who ordinarily bill their clients on an hourly basis are generally not willing to represent these plaintiffs as most litigants cannot afford those rates and the risks of trial are simply too great.

9. As such, plaintiffs who want a contingent fee arrangement must look in the market for lawyers who are willing to assume the risk of loss, and who count on their fees in successful cases to stay in business.

10. I am familiar with the market rate here in Northeastern Pennsylvania for lawyers who handle litigation cases, including employment rights cases, on a contingent fee basis. The plaintiffs' employment bar is a small community and information is often exchanged with one another about the rates we have sought in cases where we have been successful at trial.

11. In Northeastern Pennsylvania, the market rate for experienced attorneys who are capable of serving as lead or solo counsel in an employment discrimination case, and who are willing to do so on a contingent fee basis, is at least \$400 per hour. In my experience, this is the actual rate at which the plaintiff is obligated to pay the attorney in the event of a successful outcome by settlement or award.

ATTORNEY CYNTHIA L. POLLICK

12. I have been involved in litigation since 2003. I have known and worked with Attorney Cynthia L. Pollick since 2005.

13. Attorney Pollick is one of a handful of employment discrimination practitioners in Northeastern Pennsylvania known for her competent ability to successfully litigate employment related lawsuits.

14. I believe her rate of \$400 is more than fair and reasonable for employment related litigation as she is certainly worthy of that rate based on her reputation, persistence, track record, esteem and work ethic as here in Northeastern Pennsylvania.

15. My basis for this opinion is that the federal courts have adopted the community legal services ("CLS") rate standard with this type of litigation. I cite a number of district court cases that have adopted the CLS schedule. *See e.g. Rainy v. Philadelphia Housing Auth.*, 832 F. Supp. 127, 129 (E.D. Pa. 1993); *Swaayze v. Philadelphia Housing Auth.*, Civ. A. No. 91-2982, 1992 WL 81598, at *2 (E.D. Pa. Apr. 16, 1992); *Higgins v. Philadelphia Gas Works*, 54 B.R. 928, 938 (E.D. Pa. 1985).

16. Attorney Pollick has always been a very conscientious and knowledgeable lawyer who has always practiced law in accordance with the highest ethical standards.

17. Attorney Pollick's reputation in Northeastern Pennsylvania with regard to her employment related litigation practice is highly recognized and sought after.

The foregoing facts are true to the best of my knowledge and information. I understand that if any of the foregoing statements made by me are willfully false, I am subject to the penalties provided for under 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

COMITZ LAW FIRM, LLC

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